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Practitioner's Docket No. 100_007 CIP

PATENT

28-23-01
JC978 U.S. 5297 PRO
09/06/2001
08/22/01

NEW APPLICATION TRANSMITTAL

Box Patent Application
Assistant Commissioner for Patents
Washington D.C. 20231

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to **Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231** on August 22, 2001 under "EXPRESS MAIL" mailing label number **EL 91265 5756 US**.

Janet M. Stevens

Transmitted herewith for filing is the patent application of:

Inventor 1: Dwayne Lacey
Address: 8 Mulberry Farm Lane
White Gum Valley
Western Australia 6162
AUSTRALIA

Title: HEAD MASSAGING DEVICE

1. Type of Application

This is a request for filing a CONTINUATION-IN-PART APPLICATION under 37 C.F.R. §1.53(b), of pending prior application:

Serial No.: 09/335,714, Prior Art Unit: 3764
Filed: June 18, 1999, Prior Examiner: J. Yu
Title: HEAD MASSAGING DEVICE
Inventors: Dwayne Lacey.

2. Papers enclosed

A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

7 Page(s) of Specification
4 Page(s) of Claims
1 Page(s) of Abstract
2 Sheets of Formal Drawings (Figs. 1-2)

B. Other Papers Enclosed

- A Patent Application Bibliographic Data
 A Preliminary Amendment
 A Claim for Priority and a certified copy of
 An Information Disclosure Statement
 PTO Form-1449
 An Assignment Transmittal and Assignment of the invention to

3. Additional Papers to Follow Under Separate Cover

A combined Declaration and Power of Attorney

4. The correspondence address for this application is:

Kevin C. Brown
Burr & Brown
P.O. Box 7068
Syracuse, New York 13261-7068

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Customer No.: 025191

5. Relate Back**A. 35 U.S.C. 119(e)**

Priority of provisional application Serial No., filed, is hereby claimed under 35 U.S.C. §119(e).

B. 35 U.S.C. 120, 121 and 365(c)

Priority of said prior application 09/335,714, filed June 18, 1999, is hereby claimed under 35 U.S.C. §120.

C. 35 U.S.C. 119 Priority Claim for Prior Application

Priority of foreign application(s) is hereby claimed under 35 U.S.C. §119 as follows:

Application filed

- A certified copy of the above corresponding foreign application was filed in prior application Serial No. on .
- A certified copy of the above corresponding foreign application is filed herewith.

6. Amend the specification by inserting after the title and before the first line the sentence:**--Cross Reference to Related Application**

This is a continuation-in-part application of U.S. Serial No. 09/335,714, filed June 18, 1999, the entirety of which is incorporated herein by reference.--

7. Small Entity Status

Applicant(s) claim(s) small entity status. See 37 CFR § 1.27.

8. Inventorship Statement

The inventorship for all the claims in this application are:

- the same.
- not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- is submitted.
- will be submitted.

9. The filing fee has been calculated as shown below:

A. Filing Fee

Original Patent Application \$ 355.00
(37 C.F.R. 1.16(a)--\$710.00; Small Entity--\$355.00)

B. Fees for Claims (22 Claims; 3 Indep.)

each independent claim in excess of 3 \$.00
(37 C.F.R. 1.16(b)--\$80.00; small entity--\$40.00)

each claim in excess of 20 \$ 18.00
(37 C.F.R. 1.16(c)--\$18.00; small entity--\$9.00)

multiple dependent claim(s) \$.00
(37 C.F.R. 1.16(d)--\$270.00; small entity--\$135.00)

C. Surcharge fees

late payment of filing fee \$ 65.00
(37 C.F.R. 1.16(e)--\$130.00; small entity--\$65.00)

and/or

late filing of original declaration or oath \$.00
(37 C.F.R. 1.16(e)--\$130.00; small entity--\$65.00)

NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. 1.16(e).

Fee for processing an application filed with a specification in a non-English language \$.00
(37 C.F.R. 1.17(k) and 1.52(d)--\$130.00)

Assignment Fee \$.00

Total Fees Due \$.00

10. Payment of Fees and Authorization to Charge Additional Fees or Credit Overpayment

- A check in the amount of \$.00 is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446. A duplicate copy of this sheet is enclosed.
 - Any additional filing fees required under 37 CFR 1.16.
 - Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Kevin C. Brown
Reg. No. 32,402

August 22, 2001

Date

KCB/dmb

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